

# Arizona's Statesman: Congressman John J. Rhodes

## Central Arizona Project;

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John Rhodes took great pride in having helped bring the Central Arizona Project (CAP) to fruition and considered it one of the crowning achievements of his career. In this essay, he describes the contentious, complex political battle that preceded the undertaking of this endeavor which was and is so vital to Arizona's growth.

When John Rhodes died in August 2003, the CAP Board of Directors [adopted a resolution](#) to honor Rhodes' leadership, vision, and dedication to the Central Arizona Project.

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## The Battle for the Central Arizona Project

*Excerpt from "I was There" (Rhodes & Smith), © 1995.*

I had defeated [John Murdock](#), the chairman of the House Interior and Insular Affairs Committee, in 1952. As such, he was in a strategic position to aid the authorization of the Central Arizona Project. Therefore I felt a great responsibility to get myself into a position to be effective in getting the Central Arizona Project authorized and financed, assuming a favorable Supreme Court decision would establish Arizona's title to sufficient waters of the Colorado River to make the Project possible. I was convinced that the best position I could be in would be as a member of the Public Works Subcommittee of the House Appropriations Committee, because money for the CAP had to come from that subcommittee. I was eventually able to gain that seat.

Much has been written about the early struggles of Arizona to acquire the use of waters of the Colorado River. Therefore, I will not dwell on the early history except as a prelude to the events leading up to our success.

The growth of Southern California soon outstripped water supplies easily available. By the end of World War I, California not only had eyes on the Colorado River, but also had plans to use its waters. Some of the Colorado water had for many years been diverted to irrigate the Imperial Valley of California, and floods from that diversion had created the Salton Sea.

But those Arizonans who had dreams could picture the day when some of the Colorado's waters would be diverted to irrigate the vast and fertile valleys of Central Arizona. The water doctrine of the West—first in time, first in right—caused them to look with concern on the extensive plans of California for the further use of Colorado River water.

Arizona wasn't the only state worried that California would acquire the right to all, or substantially all, of the Colorado. The states of New Mexico, Utah, Wyoming, Nevada and Colorado were also alarmed. This led to an Act of Congress allowing the states of the Colorado Basin to enter into an interstate compact dividing the waters of the Colorado among them.

President Harding appointed an eminent engineer, Herbert C. Hoover, as the federal member and chairman of the Compact Commission. Mr. Hoover called the delegates of the various states into session at Santa Fe, New Mexico.

The sessions were long and arduous, but they finally resulted in a compact dividing the waters of the Colorado between the Upper Basin (Colorado, New Mexico, Utah, Wyoming, and the part of Arizona comprising the Navajo Reservation) and the Lower Basin (California, Nevada and the main portion of Arizona). The states of each basin were to divide that basin's water among themselves. The Upper Basin states did. Those of the Lower Basin did not.

The Compact settled nothing in Arizona. In fact, it sparked political furor which lasted for years before the Arizona Legislature finally ratified the Compact. While Arizona was involved in internecine strife, California was proceeding in the Congress to authorize the construction of a huge dam on the Colorado at Boulder Canyon. This dam was necessary to impound waters for domestic and municipal use in the Lower Basin and to produce hydroelectric power, both to help finance agricultural development and provide pumping energy.

[The Boulder Canyon Act](#) was finally passed by Congress, but only after Arizona Senators [Ashurst](#) and [Hayden](#) forced adoption of an amendment requiring California's legislature to pass an act limiting that

state's diversion to no more than 4.4 million acre feet (AF) per year from the Colorado River mainstream.

Thus California's Self-Limitation Act, in effect, divided the 7.5 million AF apportioned to the Lower Basin in this ratio: 4.4 to California, 2.8 to Arizona, and 0.3 to Nevada. But Arizona still refused to agree to this division. In fact, when Parker Dam was being built, Arizona Governor Benjamin B. Moeur dispatched a portion of the Arizona National Guard to stop construction. Luckily, there was no bloodshed.

Finally, in 1944, Arizona's legislature ratified the Santa Fe Compact, making it possible to begin the action necessary to divert Colorado River waters into the state. This brought to a head the disputes over the route to be used to bring the water into central Arizona.

One proposal would have built a dam in Marble Canyon (just downstream from Lees Ferry), tunneling through volcanic mountains to the headwaters of the Verde River, and bringing the Verde-delivered water to a diversion dam northeast of Phoenix. This plan was expensive, and drilling through volcanic formations was iffy, to say the least.

The other plan was to lift the water from Lake Havasu, behind Parker Dam, about 700 feet to a tunnel through the Buckskin Mountains, and thence through a system of canals to a storage lake to be built near the confluence of the Salt and Verde Rivers, and thence to Phoenix and Tucson. This is the plan which was agreed upon, was finally authorized, and has been essentially brought to completion.

But legislation to authorize the project was not easy to obtain. Ten years elapsed between the California Self-Limitation Act and Arizona's ratification of the Santa Fe Compact. During that time, California's annual use of Colorado River water was not 4.4 million AF per year, but had risen to 5.2 million and beyond.

It was much more attractive for Californians to use their political muscle (25 representatives to Arizona's 2) to deny Arizona the means to put its water to use than to try to reduce its Colorado water use to the required 4.4 million AF. So California was adamantly opposed to the authorization of any project which would allow Arizona to use Colorado River water.

Even so, a Central Arizona Project bill passed the Senate in 1949 and again in 1951. Our two senators, Carl Hayden and [Ernest McFarland](#), were so prominent that the CAP bill passed easily. Hayden was chairman of the Appropriations Committee and McFarland was Majority Leader of the Senate.

In the House it was a different matter. Because of California's muscle, the CAP bill was not even voted out of the House Interior Committee. After having considered it in two Congresses, that committee not only voted not to report the bill, but told Arizona not to try again for authorization until the Supreme Court had verified its claim to enough water to ensure feasibility of the CAP.

So Arizona had no choice but to file suit in the Supreme Court to, in effect, quiet title to 2.8 million AF per year of Colorado River water. Again I will not deal with this suit and all its ramifications because much has been written by others who have more knowledge than I as to its details. Suffice it to say that the lawyers (particularly Mark Wilmer and Charles Reed) who were counsel for Arizona were remarkably effective, and they came off with a clear-cut victory for Arizona, giving it title to 2.8 million AF of Colorado River water, plus all the waters of the Gila River system.

The lawsuit was filed in 1952, but no judgment came down until 1963. In the interim, the Bureau of

Reclamation was studying the Central Arizona Project, and in January 1962 it released an “Appraisal Report—Central Arizona Project,” which later became the basis for the preparation of legislation. An authorization bill was introduced by members of the Arizona delegation in late 1963, again in 1964, and again in 1966.

In 1965 and 1966, the plans for the CAP were completed and much necessary data were gathered. In 1967 the House Interior Committee began its preparation for hearings.

Now came a shock for CAP proponents: we were hardly prepared for the violent opposition we received from the Upper Colorado River Basin states, especially Colorado. We assumed that when it came our turn to apply for authorization to divert water to which we were now legally entitled, our previous efforts on behalf of our sister states would be remembered. Right?

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# The Battle for the Central Arizona Project (Continued from Page 1)

*Excerpt from "I was There" (Rhodes & Smith), © 1995.*

Wrong!

Those states had a memory lapse of huge magnitude. They conveniently forgot that when the Upper Colorado Storage Project (which authorized works to use the Upper Basin's Colorado River water) was before the Congress, Arizona fought valiantly on the side of our sister states in the Colorado Basin. Stewart Udall and I were on the Interior Committee and we took an active part in the committee hearings and in the floor debate.

But gratitude is short-lived, and the CAP was attacked from various angles. First, doubts were cast on the availability of the amounts of water necessary to give the CAP viability. Then, environmentalists attacked the plan to build a dam at Bridge Canyon to provide electric power to lift water from behind Parker Dam to the tunnel through the Buckskin Mountains.

The opposition painted lurid pictures of Bridge Canyon Dam inundating the entire Grand Canyon. Many of our colleagues from other parts of the country were frightened at the possibility of the destruction of one of our great national treasures. Actually, the Bridge Canyon Dam water impoundment could not have been noticed from the rim of the Grand Canyon. Water would not have been backed up even into the Grand Canyon National Park, and certainly not into the main sections of the canyon, but the opponents were not to be persuaded.

That was the bad news. The good news was that California, after losing the Supreme Court case, did a complete reversal and became a staunch proponent of the CAP. By this time, 1968, Lyndon Johnson was President and Stewart Udall was Secretary of the Interior. Stewart became convinced that we could not overcome the environmentalists, even though their case was deeply faulted. He floated a plan to delete the Bridge Canyon Dam and substitute a coal-fired electric generating facility to provide power to lift the CAP water. This plant would be built near the Glen Canyon Dam so that cooling water from part of Arizona's Upper Basin allotment could be used.

The environmentalists hailed this as a great victory and dropped their opposition to the CAP. Not so the Upper Basin states. The chairman of the House Interior Committee was Wayne Aspinall of Colorado, and he continued the search for reasons to defeat the CAP.

The Congressional Reform Act had been passed in 1946, providing, among other things, that the Congress would adjourn each year on July 31. So, on July 31, 1968, Chairman Aspinall announced that, being a law-abiding person, he was personally adjourning, leaving all Interior Committee business that was unfinished, unfinished. That included the CAP bill.

Morris Udall, Stewart's brother and successor in Congress, was my effective and faithful ally in the CAP effort. We protested, made speeches and pleaded, but to no avail. Wayne Aspinall went home to Colorado. We were dead, not in the water but without water.

Soon after Aspinall's departure I was at a meeting with Floyd Dominy, the Commissioner of Reclamation, a veteran with great Washington experience. He laid out a plan which made sense. Senator Hayden was chairman of the Senate Appropriations Committee and of its Public Works Subcommittee. I was ranking Republican on the House Appropriations Subcommittee on Public Works. The rules of the Senate were, and are, very loose. It was perfectly possible to amend, in the Senate, the Public Works

Appropriations Bill already passed by the House. That amendment would authorize the CAP. (That could not be done under the rules of the House, which made legislation on an appropriation bill subject to being stricken on a point of order.)

If the Appropriation Bill on Public Works, which had passed the House, were to be amended in the Senate, the next consideration was to ensure that in the conference between the two bodies, the House conferees would accept the Senate amendment. Then we had to get the House Rules Committee to provide a legislative base which would prevent the Senate's CAP amendment from being stricken in the House from the conference report on a point of order. With the backing the Udalls could provide on the Democratic side, and the clout [Sam Steiger](#) and I had with Republicans, we were reasonably certain to win any vote which might occur on the House floor.

If, that is, we could get it to a vote.

To ensure that House conferees would accept the Senate's CAP amendment, we needed to recruit Representative [Mike Kirwan](#) of Ohio, the chairman of the House Appropriations Subcommittee on Public Works. Mike was a former railroad conductor and a pretty tough old bird. He was chairman of the Democratic Congressional Campaign Committee, and a real partisan. Even so, I got along well with him as his ranking Republican member. But I needed Democratic help, so I asked Senator Hayden to go with me to see Mike. I called Gene Wilhelm, the chief clerk of the House Public Works Subcommittee, and I asked him to be in Chairman Kirwan's office at the appointed time to witness the conversation.

I met Senator Hayden and his administrative assistant, Roy Elson, in the Rayburn House Office Building garage. (Senator Hayden, as president pro tem of the Senate, rode over in his limousine.) We briefed the senator again concerning our purpose, which was to get Mike Kirwan to agree to accept the Senate's CAP amendment in conference.

Both Mike and Senator Hayden were past 80 and quite deaf. They had had many Appropriations Committee experiences together through the years and were good friends. At an appropriate time, I explained our problem, and the solution we desired, to Chairman Kirwan. He listened attentively, then said "Carl, if this is what you and John want, I'll be with you."

First goal accomplished.

Second, we had to get Speaker [John McCormack](#) to agree to send the Public Works conference report to the House Rules Committee and demand that it be sent to the House floor with a rule waiving any point of order against the Senate amendment. Stewart Udall explained our purpose to the Speaker and he agreed immediately. (We found the Speaker didn't like Wayne Aspinall!)

Senator Hayden kept the bill in committee long enough for word of the presence of the CAP amendment to get to Mr. Aspinall in Colorado. When it was finally voted out, I'm told, Wayne made many calls to Washington and found he was completely boxed in. The CAP was going to be authorized in the appropriations bill, and he had not only failed to block it, but had gotten nothing for Colorado. He came roaring back to Washington and immediately scheduled mark-up hearings for the CAP bill in the Interior Committee, to be followed immediately by the consideration of any amendments, and finally a vote to send the bill to the floor of the House.

I wasn't a party to the negotiations which led to giving Colorado its pound of flesh: authorization of nine reclamation projects in Wayne Aspinall's district. Few, if any, of them had a benefit-to-cost ratio which would have made them attractive. Senator Clinton Anderson of New Mexico demanded a dam on the Gila River, which also was added to the CAP bill. More pork. Then Chairman Aspinall insisted on a

provision that the Colorado projects and the CAP would proceed to construction simultaneously.

Arizona agreed to all the various proposals. Why? Because the Appropriations Committee was where Arizona had its strength. We knew we could get appropriations for the CAP without pushing the Colorado projects. They were so marginal economically that for years there was never any money budgeted for them.

As a result, despite all the bludgeoning of Wayne Aspinall and other Colorado members, the Central Arizona Project was essentially completed before any of these Colorado projects were started.

Jubilant as I was over our success in gaining authorization of the CAP, I fully realized that the battle was far from won. Authorization is one thing; finding is quite another.

When a reclamation project is authorized, it merely means that Congress has given its protagonists a hunting license. The funds for the construction of the project must be appropriated each year. Quite often, the president's budget will not include funds for such a project for several years after authorization. We were determined that the Central Arizona Project would not be delayed in this manner.

So, being ranking Republican member on the Public Works Subcommittee of the House Appropriations Committee, I was able to put money (\$1 million) into the appropriations bill (over the budget) for beginning phases of the Central Arizona Project. I did this for two years in a row, hoping there would be money in the budget for the project.

Rather than put money in over the budget the third year, I asked my good friend and colleague, Senator Paul Fannin, to go with me to the Office of Management and Budget to talk to Roy Ash, its director. We did that, and impressed Mr. Ash that we needed to have a schedule of appropriations which would be budgeted each year until the completion of the Central Arizona Project. Mr. Ash said he understood our problem, and would work on it.

About six weeks later, he called me and asked if Senator [Fannin](#) and I could meet with him in his office. We were only too glad to do so. We were overjoyed, of course, when Mr. Ash presented us with a schedule of annual prospective budget appropriations which would carry the CAP to completion.

This schedule was followed faithfully, although it had to be increased from time to time because of ballooning costs, due mainly to inflation.



And so the Central Arizona Project became a reality after decades of blood, sweat and tears. Many dedicated and hard working Arizonans had a part in achieving its authorization, funding and construction. Democrats and Republicans labored shoulder to shoulder in winning the battle.



*Click any image to enlarge.*



Today water from the Colorado River flows down the CAP Canal to central Arizona and Tucson, promising a brighter future for our state. The water is more expensive than we had hoped, and therefore it is used more by municipalities and industry than by agriculture. But it is there, more valuable than gold in a thirsty land such as ours.

I will always be proud that I played a role in bringing the Central Arizona Project to reality.

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